

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 93-20027-BC

JAMES ERWIN,

Defendant.

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**ORDER DENYING DEFENDANT'S MOTION TO MODIFY JUDGMENT**

Before the court is Defendant James Erwin's motion to modify the judgment and commitment order entered in this case, so as to lessen the fine originally imposed on him. The government responded to Defendant's motion on March 24, 2006.

Pursuant to 18 U.S.C. § 3572(c), a "judgment that includes [a fine] is a final judgment for all other purposes." 18 U.S.C. § 3572(c). None of the enumerated exceptions under the terms of § 3572 would allow Defendant, on his own petition, to obtain the relief he seeks here. The government, however, in its response has requested that modification of the fine be made, pursuant to § 3573(2), and that the court defer the payment of the fine until Defendant is released from prison.

The court thinks it better that a defendant continue to work and pay, at least incrementally, while imprisoned. The court is aware of the provisions of the Inmate Financial Responsibility program administered by the Bureau of Prisons, and knowing of

no reason to suspect that Defendant is not eligible for the Program, the court approves of the Program being applied in this case.

Accordingly, IT IS ORDERED that Defendant's motion [Dkt. # 94] is DENIED.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: April 5, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 5, 2006, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522